

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

VICTORIA KOMENDA,

Plaintiff,

v.

LIVE NATION WORLDWIDE, INC, a  
Delaware Corporation doing business in  
the State of Washington, and ISTAR  
BLUES, LLC, a Delaware Limited  
Liability Company doing business in the  
State of Washington, and JOHN DOE  
DEFENDANTS 1 through 4,

Defendants.

No. 22-2-563-13

COMPLAINT FOR NEGLIGENCE

Plaintiff alleges:

**I. PARTIES, JURISDICTION AND VENUE**

1. Plaintiff, Victoria "Tori" Komenda was at all relevant times a resident of King County, Washington.

2. Defendant LIVE NATIONWORLDWIDE, INC. was at all relevant times a Delaware corporation, doing business in the State of Washington.

3. Defendant ISTAR BLUES, LLC was at all relevant times a Delaware limited liability company, doing business in the State of Washington.

COMPLAINT FOR NEGLIGENCE – 1

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1           4. Defendant LIVE NATION WORLDWIDE, INC owns, operates, or occupies  
2 one or more music venues in the State of Washington.

3           5. Defendant LIVE NATION WORLDWIDE, INC owns, operates, or occupies  
4 The Gorge Amphitheatre in Grant County, Washington.

5           6. The Gorge Amphitheatre is located at 754 Silica Rd NW, George, Washington  
6 98848.

7           7. Defendant ISTAR BLUES, LLC owns the property at 754 Silica Rd NW,  
8 George, Washington 98848, where the Gorge Amphitheatre is located.

9           8. JOHN DOE DEFENDANTS 1 through 4, are unknown individuals or entities  
10 that may share fault for Tori Komenda's injuries and damages as described. The identity  
11 of these defendants is unknown, and they are being sued under the names of JOHN DOE  
12 DEFENDANTS 1 through 4. Plaintiff reserves the right to amend her complaint to add  
13 one or more of those potential defendants should their identity and fault be learned during  
14 discovery.

15           9. All acts and omissions alleged herein occurred in Grant County, Washington.

16       **II.    FACTS**

17           10. On or about June 28, 2019, Defendant LIVE NATION WORLDWIDE, INC.,  
18 held or produced a concert at The Gorge Amphitheatre featuring music by Eric Church.

19           11. On or about June 28, 2019, Tori Komenda attended the Eric Church concert at  
20 The Gorge Amphitheatre.

21           12. On or about June 28, 2019, Tori Komenda was a business invitee to the Gorge  
22 Amphitheatre.

23           13. Tori Komenda had a box seat ticket for Box #121 for the concert.

1 14. From the stage, box seats are located behind the Lower Bowl seating area and in  
2 front of the Lawn Seating area.

3 15. Directly behind the box seating area is an open walkway across the width of the  
4 venue's seating area.

5 16. The railing surrounding the box seating area at The Gorge Amphitheatre is  
6 mostly made of metal.

7 17. The railing surrounding the box seats is permanent or not easily removeable.

8 18. The railing is not taken down after each event at The Gorge Amphitheatre.

9 19. The box seat in which Tori Komenda was located was directly in front of the  
10 walkway area.

11 20. One purpose of the railing was to provide a barrier between the box seating area  
12 and the surrounding area.

13 21. One purpose of the railing was to provide a handrail for the box seats area and  
14 for the pedestrians on the walkway directly behind the box seats.

15 22. It is reasonably foreseeable that attendees of events at The Gorge Amphitheatre  
16 would use the railing around the box seats and walkway as a handrail.

17 23. The construction or installation of the railing was done by LIVE NATION  
18 WORLDWIDE, INC.

19 24. The construction or installation of the railing was done at the request of LIVE  
20 NATION WORLDWIDE, INC., by JOHN DOE #1.

21 25. The construction or installation of the railing was done by ISTAR BLUES, LLC.

22 26. The construction or installation of the railing was done at the request of ISTAR  
23 BLUES, LLC., by JOHN DOE #2.



1           27. Any maintenance, inspection, and repair of the railing was done by LIVE  
2 NATION WORLDWIDE, INC.

3           28. Any maintenance, inspection, and repair of the railing was done at the request of  
4 LIVE NATION WORLDWIDE, INC. by JOHN DOE #3.

5           29. Any maintenance, inspection and repair of the railing was done by ISTAR  
6 BLUES, LLC.

7           30. Any maintenance, inspection, and repair of the railing was performed at the  
8 request of ISTAR BLUES, LLC., by JOHN DOE #4.

9           31. Toward the end of the concert a heavy metal post cap from the railing fell on  
10 Tori Komenda's left foot.

11           32. The heavy metal post cap injured Tori Komenda.

12 **III. CLAIMS**

13           33. As the owner, operator, or occupier of the George Amphitheatre, LIVE  
14 NATION WORLDWIDE, INC, owes to its invitees a duty to exercise ordinary care for  
15 their safety.

16           34. As the owner, operator, or occupier of the Gorge Amphitheatre, LIVE NATION  
17 WORLDWIDE, INC, had a duty to maintain in a reasonably safe condition those portions  
18 of the premises that their invitees were expressly or impliedly invited to use, or might  
19 reasonably be expected to use.

20           35. As the owner of the Gorge premises, ISTAR BLUES, LLC owes a duty to  
21 exercise ordinary care for those who come onto its premises.

22           36. As the owner of the Gorge premises, ISTAR BLUES, LLC owes a duty to  
23 maintain in a reasonably safe condition those portions of the premises that persons

1 coming onto the property are expressly or impliedly invited to use or might reasonably be  
2 expected to use.

3 37. The duty of an owner, operator, or occupier of premises to exercise ordinary  
4 care for the safety of its invitees is non-delegable

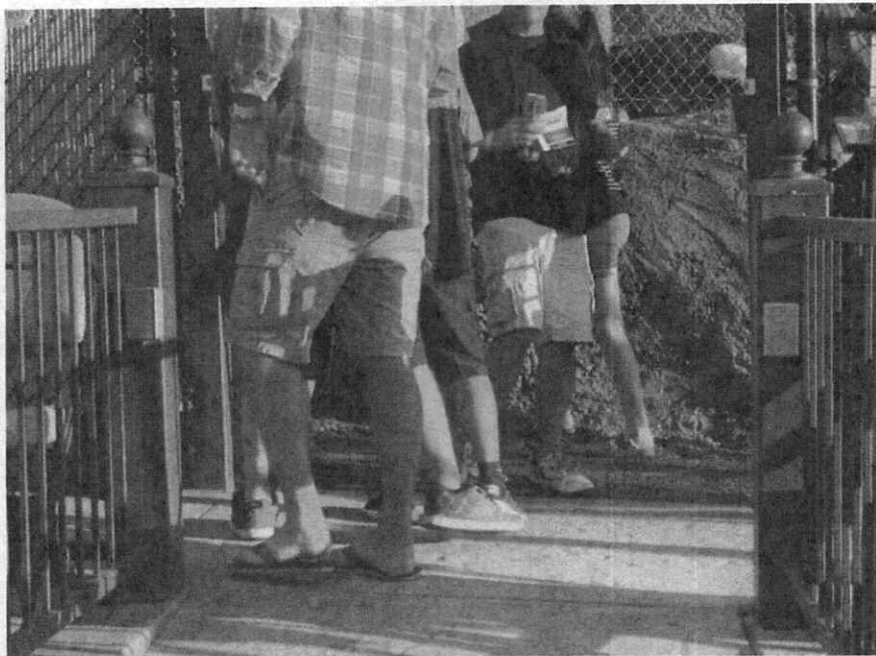
5 38. The duty of an owner, operator, or occupier of premises to maintain in a  
6 reasonably safe condition those portions of the premises that their invitees were expressly  
7 or impliedly invited to use, or might reasonably be expected to use, is non-delegable.

8 39. The George Amphitheatre is one of America's premier outdoor concert venues  
9 and has seating for 20,000+ people.

10 40. At the George Amphitheatre there are walkways and railings.

11 41. The railing where the injury occurred included the basic components of posts,  
12 post caps, and a railing between posts.

13 42. The posts, post caps and railings between the posts looked like those in the  
14 below photo.





1           43. The railings defined walkways where concert attendees walked while at the  
2 venue site.

3           44. While using the walkways at the venue site attendees would reasonably be  
4 expected to place their hands on any of the components of the railings.

5           45. The metal post caps are heavy enough to cause injury if they fall onto a person  
6 using the walkway.

7           46. On the date of injury, at least one of the post caps was not secured to its post.

8           47. In a concert venue of 20,000+ attendees the railings need to be reasonably safe.

9           48. A railing where a post cap is not secured to the post is not reasonably safe.

10           49. Allowing a heavy post cap to be unsecured in a busy concert venue breached  
11 LIVE NATION WORLDWIDE, INC's duty to exercise ordinary care for its invitees'  
12 safety.

13           50. Allowing a heavy post cap to be unsecured in a busy concert venue breached  
14 LIVE NATION WORLDWIDE, INC's duty to maintain in a reasonably safe condition  
15 those portions of the premises that invitees are expressly or impliedly invited to use or  
16 might reasonably be expected to use.

17           51. Allowing a heavy post cap to be unsecured in a busy concert venue breached  
18 ISTAR BLUES LLC'S duty to exercise ordinary care for its invitees' safety.

19           52. Allowing a heavy post cap to be unsecured in a busy concert venue breached  
20 ISTAR BLUES LLC'S duty to maintain in a reasonably safe condition those portions of  
21 the premises that invitees are expressly or impliedly invited to use or might reasonably be  
22 expected to use.

1           53. On the date of injury, one of the post caps fell off, and landed on Tori  
2 Komenda's foot.

3           54. LIVE NATION WORLDWIDE, INC, as owner, operator, or occupier of the  
4 Gorge Amphitheatre, is liable for the acts or conduct of any JOHN DOE DEFENDANTS.  
5 whose conduct caused or contributed to the injury to Tori Komenda.

6           55. ISTAR BLUES, LLC, as owner of the Gorge premises, is liable for the acts or  
7 conduct of any JOHN DOE DEFENDANTS whose conduct caused or contributed to the  
8 injury to Tori Komenda.

9           56. If the conduct of any JOHN DOE DEFENDANTS breached duties to plaintiff  
10 regarding the construction and installation of the railing that failed, the maintenance,  
11 inspection, and repair of that railing, and those breaches caused or contributed to the  
12 injury to Tori Komenda then those JOHN DOE DEFENDANTS are liable for plaintiff's  
13 damages.

14           57. As a result of the breach of defendants' duties, Tori Komenda was injured,  
15 suffered, and continues to suffer physical disability and pain, medical expenses, and other  
16 damages.

17 **IV. LIMITED PHYSICIAN/PATIENT WAIVER**

18           Tori Komenda waives the physician-patient privilege ONLY to the extent required  
19 by RCW 5.60.060, as limited by her rights of privacy and the ethical obligation of  
20 physicians and attorneys not to engage in *ex parte* contact between a treating physician  
21 and the patient's legal adversaries.

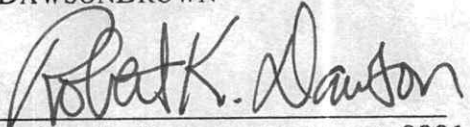
22           WHEREFORE, Tori Komenda prays for judgment against the Defendants, jointly  
23 and severally, in an amount that will fairly compensate her for all damages sustained, for

1 attorney fees and costs, for interest on all liquidated sums, and other relief the Court  
2 deems just.

3 DATED at Seattle, Washington, this 23rd day of June 2022.

4 DAWSONBROWN<sup>PS</sup>

5 By:



6 Robert K. Dawson, WSBA NO. 8881

7 DAWSON BROWN, PS

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12 Attorneys for Plaintiff